

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

LEE PATRICK JOHNSON,

Plaintiff,

CASE NO. C17-389-JLR-BAT

V.

MICHAEL ALLEN, et al...

## Defendants.

## **ORDER DISMISSING UNSERVED DEFENDANT CAPTAIN CLINE**

The Court, having reviewed the Report and Recommendation of the Honorable Brian A. [Redacted] (See Exhibit 1, Report and Recommendation, Dkt. #42).

Tsuchida, United States Magistrate Judge, and the remaining record, does hereby ORDER:

(1) The Court **ADOPTS** the Report and Recommendation.

(2) Plaintiff's claims against Defendant Captain Cline are **DISMISSED** without prejudice for plaintiff's failure to prosecute.

(3) This matter is **RE-REFERRED** to Judge Tsuchida for further proceedings.

(4) The Clerk of Court is directed to send copies of this Order to plaintiff, counsel for defendants, and to Judge Tsuchida.

DATED this 28<sup>th</sup> day of Dec., 2018. *John*

  
JAMES L. ROBART  
United States District Judge